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Attorneys for Defendant Raymond Falk

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF NEW YORK

MARSH USA INC., ET AL.,

Plaintiffs,

-against-

RAYMOND FALK,

Defendant.

12-CV-3044 (LTS) (HBP)

**NOTICE OF DEFENDANT
RAYMOND FALK'S MOTION TO
STAY PROCEEDINGS UNDER THE
FIRST-TO-FILE RULE PENDING
RESOLUTION OF ISSUES BY
FIRST-FILED COURT**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and all prior papers and proceedings herein, Defendant Raymond Falk, by and through his attorneys, will move this Court on a date to be determined by this Court, at the courthouse of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York

10007, before the Honorable Laura Taylor Swain, to stay these proceedings pending application of the first-to-file rule by the first-filed court in the Eastern District of Louisiana.

Defendant's counsel has used their best efforts to resolve informally the matters and issues raised in his motion. On June 6-7, 2012, Defendant's counsel corresponded with Plaintiffs' counsel via telephone and exchanged written correspondence to discuss the issues Falk raises in his motion. Defendant's counsel sent Plaintiffs' counsel a letter on June 6, 2012, outlining Defendant's positions and the arguments contained in Defendant's motion. The parties conferred and used their best efforts to resolve informally the matters movant raises in Defendant's Motion to Stay Proceedings. However, the parties were unable to reach an agreement on the issues.

Dated: June 7, 2012

CHAMBERLAIN, HRDLICKA, WHITE,
WILLIAMS & AUGHTRY, P.C.

By: /s/William S. Helfand
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